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MARTINELLI, J. EXAMINER	
ART UNIT	PAPER NUMBER
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Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

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Serial N . 08/078,768

Art Unit 1804

The Notice of Appeal filed on October 23, 1995 is defective because the Brief is not limited to the issues on appeal (see below).

APPLICANT IS GIVEN A TIME LIMIT OF ONE MONTH FROM THE DATE OF THIS LETTER OR UNTIL THE EXPIRATION OF THE PERIOD FOR RESPONSE SET IN THE LAST OFFICE ACTION, WHICHEVER IS LONGER, WITHIN WHICH TO MAKE THE NECESSARY CORRECTION TO AVOID DISMISSAL OF THE APPEAL. NO EXTENSION OF THE ONE MONTH TIME LIMIT MAY BE GRANTED UNDER EITHER 37 C.F.R. § 1.136(a) OR (b), BUT THE PERIOD FOR RESPONSE SET IN THE LAST OFFICE ACTION MAY BE EXTENDED TO A MAXIMUM OF SIX MONTHS PROVIDED THE REQUISITE FEES ARE PAID.

The brief does not contain arguments of the appellant with respect to each of the issues presented for review in 37 C.F.R. § 1.192(c)(4), and the basis therefor, with citations of the authorities, statutes, and parts of the record relied on as required by 37 C.F.R. § 1.192(c)(6).

The brief does not contain for each rejection under 35 U.S.C. § 112, first paragraph, an argument which specifies the errors in the rejection and how the first paragraph of 35 U.S.C. § 112 is complied with, including how the specification and drawings, if any, enable any person skilled in the art to make and use the subject matter defined by each of the rejected claims. Appellants present arguments to a rejection which is not in the application. The Brief repeatedly (e.g., pages 21-26, 30, and 31) refers to a utility rejection (i.e. a rejection under 35 U.S.C. § 101). There is no rejection under this statute.

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In connection with the characterization of the arguments made by the PTO in the Brief (page 2, first sentence in item 3), appellant's attention is directed to 37 CFR § 1.3.

Certain papers related to this application may be submitted to Group 1800 by facsimile transmission. Papers should be faxed to Art Unit 1804 at (703) 305-3014. The faxing of such papers must conform with the rules published in the Official Gazette, 1156 OG 61 (November 16, 1993).

Any inquiry concerning this communication should be directed to J. Martinell at telephone number (703) 308-0296.


**JAMES MARTINELL, PH.D.
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